

# **MEMORANDUM**

DATE:

February 14, 2018

For March 1, 2018 Hearing

TO: Steven Shell

Zoning Examiner

FROM:

Planning & Development Services

Interim Director

SUBJECT: SPECIAL EXCEPTION LAND USE

PLANNING & AND DEVELOPMENT SERVICES REPORT

Mayor and Council Special Exception Procedure SE-17-172 T-Mobile – Drexel Road, R-2 (Ward 5)

<u>Issue</u> – This is a request by Reg Destree for SBA Towers IX, LLC on behalf of T-Mobile, for approval of a wireless communication facility (WCF). The special exception site is located approximately 220 feet north of Drexel Road and 100 feet east of Nogales Hwy, just west of the Union Pacific Railroad tracks (see Case Location Map). The parcel is owned by the Union Pacific Railroad and the existing use on the parcel is the railroad track, which is used for transporting goods between Tucson and Nogales. The preliminary development plan (PDP) proposes a wireless communication tower (monopole)80 feet in overall height (including topmounted lightning rod), with nine antennas. The tower, not including the lightning rod, has a proposed height of 75 feet. The WCF will be placed within a 2, 400 square foot lease area in the southwestern portion of a 26.62-acre elongated parcel that extends approximately 1 mile from Drexel Road on the south to Irvington Road on the north.

A communications use of this type in the R-2 zone is subject to Sections 4.9.13.O and 4.9.4.I.2, .3, and .7 of the *Unified Development Code* (*UDC*) and requires approval through a Mayor & Council Special Exception Procedure, Sec. 3.4.4, because the tower height exceeds 50 feet. Documentation provided by the applicant indicates that no practical alternative exists. The tower and attachments will be a brown rust color.

The Mayor & Council Special Exception Procedure requires a public hearing before the Zoning Examiner after which the Zoning Examiner forwards a recommendation to the Mayor and Council for a decision to grant the request with, or without, conditions or to deny the request. The Mayor and Council may also forward the request to the Design Review Board (DRB) for design review and recommendation.

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<u>Planning & Development Services Department Recommendation</u> – The Planning & Development Services Department recommends approval of the special exception request, subject to the attached preliminary conditions.

#### **Background Information**

Existing Land Use: The site is currently developed with a Union Pacific Railroad line.

#### Zoning Descriptions:

R-2: This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment.

#### Surrounding Zones and Land Uses:

North: Zoned R-2 and I-1; Union Pacific Railroad, Commercial, Industrial, and Manufacturing

South: Zoned R-2 and C-2; Union Pacific Railroad and vacant land East: Zoned R-2; Educational (TUSD- Drexel Elementary School)

West: Zoned C-2 and I-1; Commercial and Industrial

Previous Cases on the Property: None

#### Related Cases:

<u>SE-15-14 Verizon - Grant Road, C-1 Zone</u> – This was a request for approval of a wireless communication facility concealed within an artificial palm tree, 60 feet in height and associated equipment as a special exception land use in the C-1 zone. The special exception site is located 95 feet north of Grant Road and 67 feet west of Columbus Boulevard. On July 7, 2015, the Mayor and Council adopted Ordinance No. 11288, allowing the special exception.

<u>SE-14-89 AT&T- 1<sup>st</sup> Avenue, C-1 Zone</u> – This was a request for approval of a wireless communication facility with monopole constructed of corton steel in a brown rust color, 67 feet in height, and associated equipment as a special exception land use in the C-1 zone. The special exception site is located 500 feet east of 1<sup>st</sup> Avenue and 500 feet north of Limberlost Drive. On February 23, 2016, the Mayor and Council adopted Ordinance No. 11342, allowing the special exception.

<u>Applicant's Request</u> – The applicant requests special exception approval for the placement of a 80-foot high cellular communications monopole with associated equipment within a lease area on a parcel currently developed with a Union Pacific Railroad line.

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<u>Planning Considerations</u> – Land use policy direction for this area is provided by *Plan Tucson* (*PT*), which supports policy that utilizes the Future Growth Scenario Map as a guide for determining the general location of development opportunities, development patterns, land use and transportation concepts, while also considering area and site specific issues.

The project site is located in an area identified on the *PT* Future Growth Scenario Map as a Neighborhood of Greater Infill Potential. These areas are residential neighborhoods and commercial districts for which there is potential for new development and redevelopment in the next several decades. *PT* policy supports the improving the appearance of above-ground utilities and structures and extending access to high-tech wireless communications facilities throughout the city. *Plan Tucson* policies protect established residential neighborhoods by supporting compatible development, including non-residential uses, where the scale and intensity of use is compatible with adjacent uses. Policy LT28.1.2 requires that wireless communication facilities be located, installed and maintained to minimize visual impacts and preserve views. Policy LT28.1.3 calls for improving the appearance of above-ground utilities and structures and extending access to high-tech wireless communication facilities throughout the city.

The project is in general compliance with the intent of the plan. The plan policies generally support new cell tower proposals when designed to minimize visual impacts on surrounding neighborhoods and when buffering is provided. The ground lease area is 60 feet by 40 feet with ground level equipment that will be screened from view by an 8-foot high masonry wall textured and painted to match nearby existing walls, and with a vehicle access gate along its south side.

Field inspection by staff indicates there are currently no billboards on the rezoning site.

#### **Design Considerations**

<u>Land Use Compatibility</u> – The proposed monopole will include three antennas per sector with three sectors for a total of nine antennas. Mitigation measures supported by staff include placement of antennas and other attachments as close to the monopole as practical, a sector width as narrow as practical, and with all surfaces and attachments painted in a rust color to minimize visual impacts. The PDP indicates the tower will constructed with a brown rust-colored corton steel, with all antennas, mounts, cabling and other related visible equipment painted to match. The proposed standoff dimension from the monopole to the T-bar mount is 18 inches and the width of each antenna sector is shown to be 72 inches.

The applicant's report and neighborhood meeting minutes dated November 30, 2017, indicate that meeting attendees generally support a wireless facility in this location. The nearest residential development is a multi-family complex, zoned R-2, located approximately 550 feet to the southwest across Drexel Road and Nogales Highway, and single family home developments, also zoned R-2, approximately 650 feet to the northeast, and southeast across Drexel Road.

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The applicant has submitted a photo-simulation of the monopole, which will be set back from Nogales Highway by approximately 100 feet, and from Drexel Road by approximately 220 feet. The monopole will be visible from the surrounding residential neighborhoods, commercial developments, and from nearby streets. The applicant is proposing a monopole rather than a stealth tree design, such as a monopalm or monopine, because there are no existing tall trees in the vicinity to provide constext, and because it will facilitate collocation possibilities for other future wireless carriers.

Existing vertical structures in the area consist of street light poles, nearby school light poles, and a number of electrical power poles, including large (approximately 130 feet tall) TEP lattice towers which align roughly east to west and running approximately 350 feet to the north of the site. The nearest of these towers is located approximately 500 feet northwest of the site and is equipped with wireless antennas for another carrier (Sprint), located at approximately 45 feet in centerline height. The applicant's report indicates that this tower was investigated for possible collocation but does not provide the necessary centerline antenna height (approximately 65 to 70 feet) for T-Mobile's purposes due to the numerous transmission lines which extend across and through the tower. Other existing sites are approximately one mile in each cardinal direction. None of these sites satisfied T-Mobile's the need to fill the coverage gap.

The applicant proposes to place the monopole and ground equipment within a 2,400 square foot lease area west of the Union Pacific Railroad tracks, in an area which is currently an undeveloped portion of the railroad-owned property. A portion of the total lease area is designated for a potential future carrier. Ground equipment will be housed inside equipment cabinets. The proposal does not include a backup generator. to be located on a concrete slab and screened by an 8-foot masonry wall with gated vehicular access near the southwest corner of the compound. Staff recommends the masonry screen wall surrounding the lease area be painted in neutral desert colors. Staff further recommends that any graffiti be removed within 72 hours of observation.

Staff acknowledges that the proposed WCF will help improve telecom services to the established neighborhoods and businesses in the area. The proposal in general compliance with *Plan Tucson*, and does not require a plan amendment.

<u>Road Improvements/Vehicular Access/Circulation</u> – Primary vehicular access to the WCF for maintenance will be parallel to the Union Pacific tracks, and is identified by a 12-foot wide access easement from Drexel Road through an existing curb cut and leading northward to an access gate in the compound wall. According to the *Major Streets and Routes Plan*, Drexel Road is a collector street with a 100-foot right-of-way, and Nogales Highway is designated as an arterial street with a 120-foot right-of-way.

<u>Use-Specific Standards</u> – The applicant's proposal requires approval as a Mayor and Council Special Exception and must meet the Use-Specific Standards of *UDC* Sections 4.9.13.O and 4.9.4.1.2, .3, and .7. The Mayor and Council may forward the request to the Design Review Board for design review and recommendation. Below is an analysis of the performance criteria:

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- 4.9.4.1.7 The following requires approval as a special exception in accordance with Section 3.4.4, *Mayor and Council Special Exception Procedure*. The Mayor and Council may forward to the Design Review Board (DRB) for design review and recommendation.
  - a. Wireless communication antennas, provided:
    - (1) The tower or antennas are not permitted by other provisions of this Section.
      - The 80-foot monopole in the R-2 zone does not conform to any other section of the code because it exceeds 50 feet in height.
    - (2) New towers require a minimum separation of one mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists.
      - The nearest existing wireless communications facility (WCF) is approximately 500 feet northwest of the proposed site and located on a large TEP lattice tower. This tower is not suitable for collocation due to the height at which the existing power lines run through it. Other nearby verticality was investigated but none met the requirements of T-Mobile's network. The search ring to resolve the coverage gap has a radius of approximately 0.5 miles.
    - (3) All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.
      - The tower has been designed as a monopole of a corton steel rust color with all antennas, mounts and associated tower equipment painted to match pole color. For this section of the UDC, painting is considered a method of concealing or disguising a tower.
    - (4) All appropriate measures shall be taken to reduce the negative proliferation of visible towers and antennae by the collocation of new antennae on existing towers or with the facilities of other providers which are located or planned for development within the proposed service area.
      - The nearest existing WCF is approximately 3,000 feet to the northwest of the proposed site. The search ring to resolve the coverage gap has a radius of approximately 0.25 miles.
    - (5) Notice shall be provided to all agents designated at least 15 days prior to the date of the public hearing before the Zoning Examiner.

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All policies of the Mayor and Council Special Exception Process shall be followed accordingly.

Staff finds the proposal to be in compliance with the *UDC* Use-Specific Standards.

<u>Conclusion</u> – The proposal is in compliance with the performance criteria for a wireless communication facility. The special exception request is consistent with policy direction in *Plan Tucson*, which supports development designed to be compatible with and sensitive to surrounding land uses. The proposed WCF has been designed to blend in with the surroundings and does not conflict with plan policies. Subject to compliance with the attached preliminary conditions, approval of the requested special exception is appropriate.

#### **PROCEDURAL**

- 1. A site plan in substantial compliance with the preliminary development plan dated February 13, 2018, is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.
- 2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".
- 3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
- 4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
- 5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.
- 6. A copy of the Special Exception decision letter shall be included with the site plan at the time of permit application submittal.

#### LAND USE COMPATABILITY / CONCEALMENT MEASURES

- 7. The wireless communication monopole, including attachments such as lightning rod, shall not exceed eighty (80) feet in height from grade elevation.
- 8. Full length of monopole surface shall be corten steel finish to minimize visual impacts. Antennas and other collocating equipment shall be painted or finished to complement corten steel finish of pole.
- 9. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, on the monopole.
- 10. All wire ports shall be concealed behind the antennas and all equipment shall be mounted behind the antenna panels.
- 11. Antenna standoff from the pole shall not exceed twenty-four (24) inches.
- 12. Ground equipment to be screened and located within lease area as depicted on the preliminary development plan dated February 13, 2018.

- 13. All walls visible from a public right-of-way and/or adjacent to existing residential development are to be painted with graffiti-resistant paint of an earthtone color.
- 14. Six-(6) inch wide block or greater shall be used for perimeter walls. Graffiti shall be removed from walls within seventy-two (72) hours of discovery or notification.
- 15. Plans for future carriers must be approved through the special exception process.
- 16. If required, any easements situated within any portion the lease area shall be abandoned/vacated prior to site plan approval.

# AGREEMENT TO WAIVE ANY CLAIMS AGAINST THE CITY FOR ZONING AMENDMENT

| This agreement ( "Agreement") is entered into between  |
|--|
| , as the owner of the property described herein ("Owner") and                                |
| the City of Tucson("City") to waive any and all claims for diminution of value that may be   |
| based upon action by the City in response to a request from the Owner. This Agreement is     |
| entered into in conformance with A.R.S. §12-1134(I).   |
| The Owner is the holder of fee title to the property located at                              |
| , Tucson, Arizona, (the "Property") which is more fully described in the                     |
| Owner's application to the City in Case SE-17-172 and incorporated herein. The Owner, or     |
| the authorized agent of the Owner, has submitted an application to the City requesting that  |
| the City grant a Special Exception Land Use for the Property. The Owner has requested        |
| this action because the Owner has plans for the development of the Property that require     |
| the Special Exception Land Use. The Owner believes that the Special Exception Land Use       |
| for the Property will increase the value and development potential of the Property, and that |
| this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.    |

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case SE-17-172.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

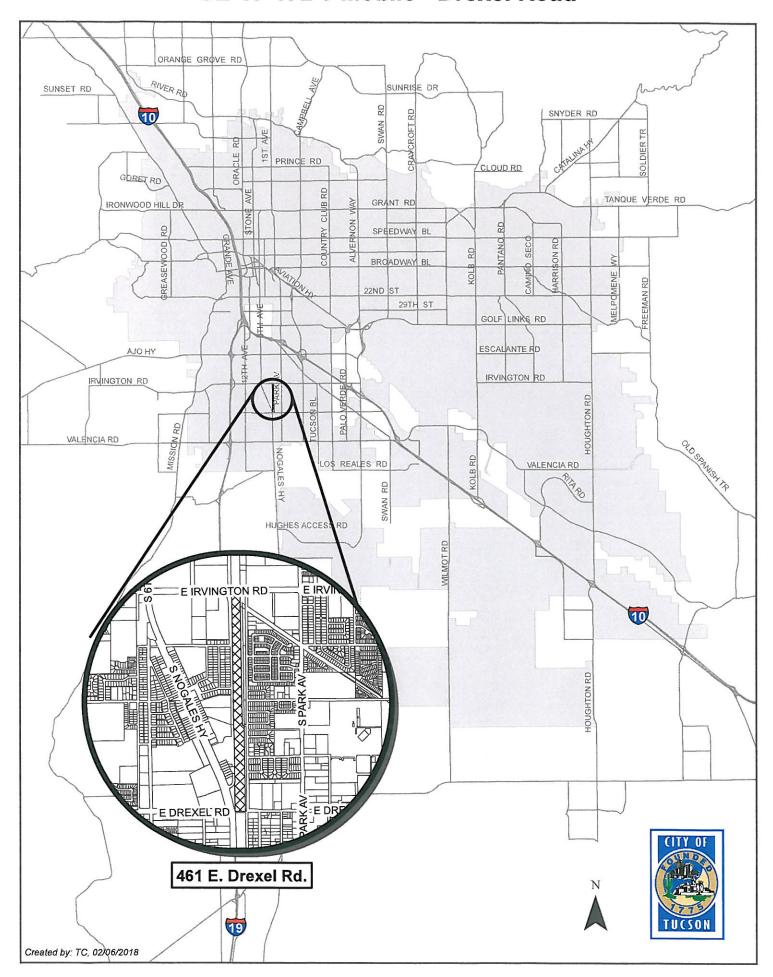
This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

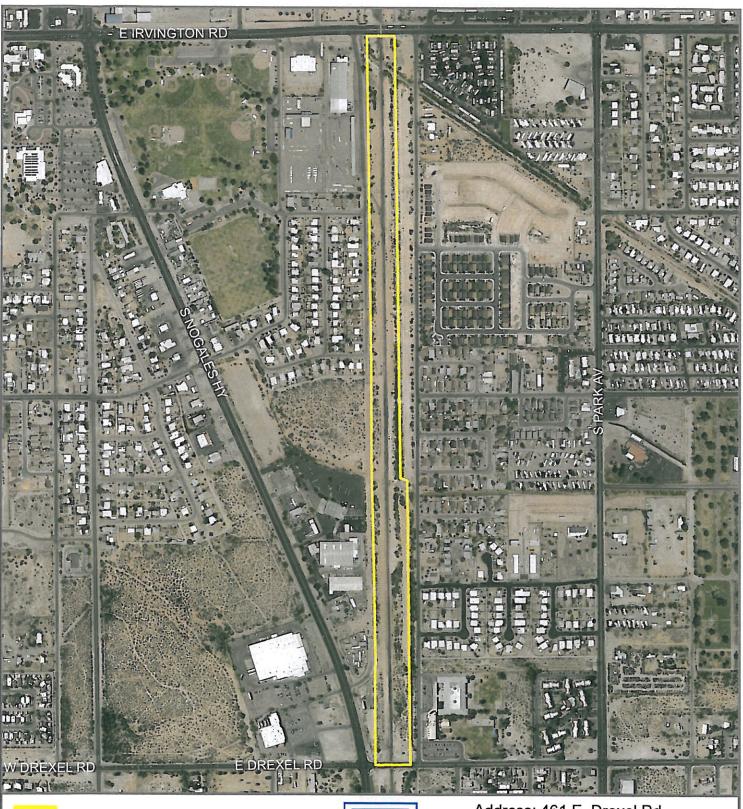
The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case SE-17-172.

|   | Dated this                                     | day of                     |            | , 2       | <u>2</u> 0                                    |                          |  |
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|   | (Signature of Owner or Aut                     | norized Representative, if | By:        | (Signat   |   | rized Representative, if |  |
| 25  |  | n Representative Capacity) | Its:       |           | •   | Representative Capacity) |  |
| (   | Title of Individual Signing II                 | Representative Capacity)   |            | (Title of | f Individual Signing in F                     | Representative Capacity) |  |
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| he or she claims to be, and acknowledged that he or she signed the above/attached document. |  |                            |            |           |   |                          |  |
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| By: i   | Planning & Develop                             | ment Services Depart       | ment       |           |   |                          |  |
|   |  | roved by the City Attor    |            |           |   |                          |  |

## SE-17-172 T-Mobile - Drexel Road



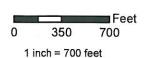
### SE-17-172 T-Mobile - Drexel Road



Area of Special Exception Request

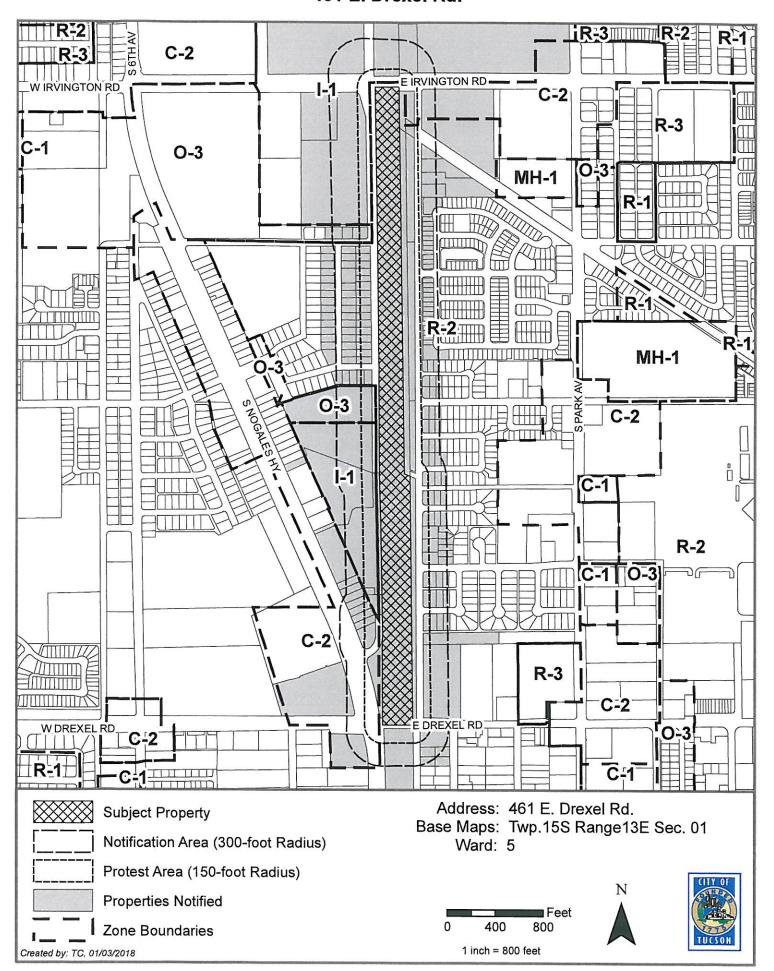


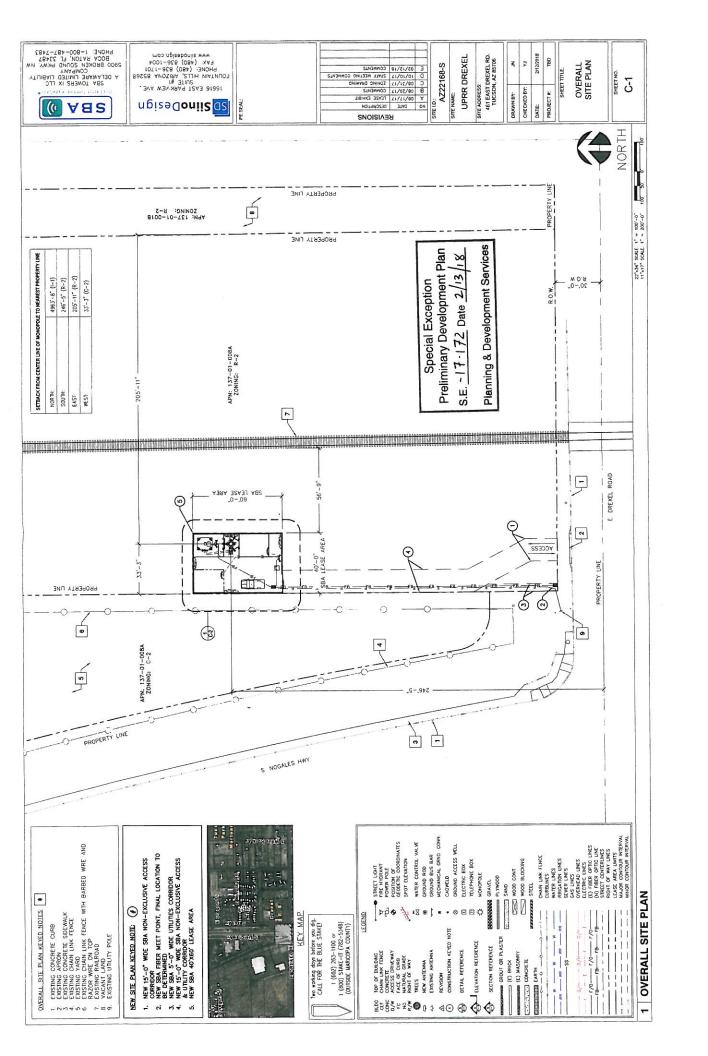
Address: 461 E. Drexel Rd. Base Map: Twp. 15S R. 13E Sec. 01 Ward: 5





SE-17-172 461 E. Drexel Rd.





## Approval - Protest Form



If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning & Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests must have an owner's signature to be recorded.

| R-2 Zone A wireless co           | Drexel Road Ward #5 mmunication tower money with nine antennas and as | opole, 80 feet in overall he<br>sociated ground equipmen | eight (includin<br>at.                | g top- |
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| I/We the undersigned property ov |   | PPROVE the proposed rez<br>ROTEST the proposed rez       |                                       |        |
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| PLEASE PRINT<br>YOUR NAME        | PLEASE PRII<br>MAILING ADD  | RESS LEG.  | PLEASE PRINT GAL PROPERTY DESCRIPTION |        |
|                                  |   | Subdivision  | Block                                 | Lot    |
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|                                  |   |  |                                       |        |
|                                  |   |  |                                       |        |
| Owner's Signature:               |   | Date   |                                       |        |

SE-17-172



City of Tucson PMC
Planning & Development Services
Department -Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210